

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARCUS ODOM,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.

20-CV-0010 (JMF)

17-CR-0321 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

Movant Marcus Odom moves for (1) another extension of his deadline to file a reply in support of his motion pursuant to 28 U.S.C. § 2255, citing the COVID-19 pandemic; and (2) appointment of counsel. *See* 17-CR-321 (JMF), ECF No. 44; 20-CV-0010 (JMF), ECF No. 13. Upon reflection, and upon review of the parties' papers filed to date, the Court finds that appointment of counsel is appropriate given, among other things, the substance of the Odom's central claim and Odom's inability to press his case in light of the COVID-19 pandemic. *See* 28 U.S.C. § 2255(g); 18 U.S.C. § 3006A(a)(2); *Hodge v. Police Officers*, 802 F.2d 58, 61-62 (2d Cir. 1985); *Toron v. United States*, 281 F. Supp. 2d 591, 593 (E.D.N.Y. 2003). Accordingly, Zachary Margulis-Ohnuma, the Criminal Justice Act lawyer on duty today, is hereby appointed as counsel for purposes of Odom's Section 2255 motion.

Counsel shall promptly contact Odom. Further, counsel is granted an extension until **August 21, 2020**, to file a reply in support of Odom's motion. Finally, counsel shall promptly confer with the Government regarding whether the case should be stayed pending a decision by the Second Circuit in one of the cases referenced in the Government's opposition. If either counsel believes that a stay is appropriate, counsel shall file a joint letter addressing the issue.

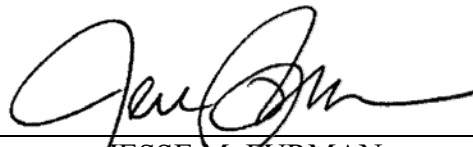
Because Odom has not at this time made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to terminate 17-CR-321 (JMF), ECF No. 44; 20-CV-0010 (JMF), ECF No. 13 and to mail a copy of this order to Odom, noting service on the docket.

SO ORDERED.

Dated: July 7, 2020
New York, New York

A handwritten signature in black ink, appearing to read 'Jesse M. Furman', is written over a horizontal line.

JESSE M. FURMAN
United States District Judge